

Bond Case Briefs

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EMINENT DOMAIN - NEVADA

Clark County v. HQ Metro, LLC

Supreme Court of Nevada - August 2, 2018 - P.3d - 2018 WL 3655607 - 134 Nev. Adv. Op. 56

Electric utility filed eminent domain complaint to obtain permanent easement for installation of electrical transmission lines on landowner's property that had been leased to county but then later sold to county after entry of order granting utility immediate occupancy but before utility physically entered property to begin construction.

The District Court ordered apportionment of just compensation proceeds for landowner. County appealed.

The Supreme Court of Nevada held that right to compensation vested upon entry of order of immediate occupancy, and thus landowner was entitled to compensation.

Order granting immediate occupancy to electric utility as condemnor constituted a taking of landowner's property rights, and the right to compensation vested at that time, and therefore landowner, and not county as landowner's former lessee that purchased property before utility physically entered property to begin construction, was entitled to compensation for the permanent easement for electrical transmission lines, where the order authorized utility to permanently occupy the easement area and restrained and enjoined landowner from interfering with that occupancy and performance of the work required for the easement.